

REMARKS

In the Office Action dated 6/22/04, which was made final ("Final Rejection"), Claims 1-12 and 25 were rejected, and Claims 13-24 and 26-28 were withdrawn from consideration. Claims 1-12 and 25 remain pending as previously presented.

In the telephone interview conducted 9/16/04 regarding the Final Rejection, the Examiner and Applicants' Representative discussed the art cited in the Final Rejection. In particular, it was agreed that U.S. Patent No. 6,690,390 to Walters et al. ("Walters") is not prior art under 35 USC §103(a), since the priority date for Walters post-dates the filing date of Applicants' application. This is discussed further below.

During this interview, Applicants' Representative also respectfully submitted that making the current rejection FINAL was inappropriate. The Examiner stated that the rejection was made FINAL because of an amendment to Claims 1 and 25 filed November 6, 2003. This minor amendment, which was directed to a formality issue, changed the term "screen region" to "method" in accordance with a suggestion made by the Examiner in an interview conducted November 4, 2003. It is respectfully maintained that this amendment was not made for any reasons necessitated by cited prior art, and did not necessitate a new search. This amendment corrected a formality issue only, and was made in the spirit of cooperation in attempt to further prosecution efforts. It is therefore maintained that the Finality of this rejection is inappropriate, and should be withdrawn.

Arguments

1. Applicants elected Group I of the Claims with traverse in response to a restriction requirement issued February 5, 2004. In that restriction requirement, the Examiner states that Claims 13-22, 27 and 29 ("Group II") are drawn to a different invention than Claims 1-12 and 25 ("Group I") because the Claims of Group II include an agent/messenger not described in the Claims of Group I, and further

because Claims of Group II describe enabling a device to access data at one or more remote sites. This view is repeated in the Final Rejection.

Applicants' Representative respectfully disagrees with the foregoing assessment. There is no requirement that each Claim set be coextensive in scope. In the current case, the Claims of Group II may be construed as having a different scope from those of Group I, since the Group II Claims specifically describe data at remote sites, whereas the Claims of Group I describe data at multiple locations that may, or may not, be remotely located. Since all Claims utilize an open-ended format, the Group I Claims may involve either local or remote data sites.

The Claims of Group II also describe an agent/messenger. This limitation is not specifically incorporated into the Claims of Group I. Again, because of the open-ended format of all Claims, the system described by the Claims of Group I may, but need not, include this additional limitation. Therefore, the Claims of Group II may be construed as somewhat less broad in scope than those included in Group I. This does not mean the Claims are directed to different inventions. Both Claim sets are directed to related methods that are capable of use together, and have similar functions and effects. Moreover, they are reasonably categorized within the same Class and Subclass. It is therefore respectfully maintained that the restriction requirement is improper, and should be withdrawn. A similar argument applies to Claims 23, 24, and 26, which were grouped into Group III. Reconsideration of the Restriction Requirement is again requested.

2. The Final Rejection requires cancellation of Claims 13-24 and 26-28 or other appropriate action under 37 CFR 1.144. Applicants reserve the right to petition the Director to review the restriction requirement under 37 CFR 1.144 for the reasons discussed above. Because the filing of this petition may be deferred, but must be filed no later than appeal, Applicants decline to cancel the Claims at this time pending any appeal to the Board of Patent Appeals and Interferences, as provided for in 37 CFR 1.144 and MPEP 821.01.

3. The Examiner's presumption regarding the ownership of the subject matter of the various claims is correct.

4. Claims 1, 3-12, and 25 are rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,470,381 B2 to De Boor et al. ("De Boor") in view of U.S. Patent No. 6,690,390 B1 to Walters et al. ("Walters"). This rejection is respectfully traversed.

As previously discussed, Walters was first filed October 24, 2000, which post dates Applicants' filing date of February 1, 2000. Thus, Walters does not qualify as prior art under 35 USC §103(a). For at least this reason, this rejection is improper, and should be withdrawn.

In addition to the foregoing, the limitations of Claim 1 are not taught or suggested by De Boor. This is best considered by discussing each of the Claim limitations in turn as follows:

A.) Applicants' Claim 1 describes a method having the step of providing a first graphical interface display on a special device that permits user selection of a data object category, wherein selection of such a category results in the display of a list of data objects available on the system. (Claim 1 lines 4-6.) This aspect of Applicants' system is exemplified by Figures 4 and 5. In particular, Figure 4 illustrates means for allowing a user to select a data object category from the displayed list (e.g., log, publishers, etc.) Figure 5 exemplifies the display generated after selection of the "sales" data object.

The Examiner cites De Boor column 1 lines 32-59 and column 8 lines 30-60 as teaching the above-described aspect of Applicants' invention. De Boor column 1 lines 32-59 describes the general state of wireless communication technology. In particular, this passage describes that current wireless communication devices present design challenges for user interfaces, including integration of World Wide Web access with telephony functions. There is no indication whatsoever in this passage of a method of using a special device for displaying and/or selecting an

object category, or for thereafter listing data objects.

In a similar manner, De Boor column 8 lines 30-60 includes a relatively general description of a wireless communication device that uses a Man-Machine Interface (MMI) implemented using a markup language. The device includes a real time operating system and a telephony control module. There is no description whatsoever of an interface display permitting user selection of a data object category, and subsequent display of a list of data objects. Moreover, nothing in De Boor appears to teach or suggest these aspects of Applicants' invention. For this additional reason, this rejection is improper, and should be withdrawn. If the Examiner maintains this rejection, Applicants' Representative respectfully requests more clarification as to the significance of the cited passages in De Boor as they relate to the above-discussed limitation of Claim 1.

B.) Applicants' Claim 1 further includes the step of responding to selection of a first of the data objects within the data object list by generating a second graphical interface display on said special device. This second display provides at least a portion of the contents of the first data object along with a display of a plurality of selectable methods. Each of these methods is executable on the first data object. (Claim 1 lines 7-12.)

The Examiner cites several passages in De Boor as teaching limitations of this step of Claim 1, including De Boor column 2 lines 26-49, column 4 lines 10-46, column 9 lines 38 through column 10 line 44, and column 11 lines 50-52. The Examiner provides no additional guidance as to how these passages apply to specific Claim limitations.

Each of the passages cited by the Examiner is considered in turn. Column 2 lines 26-49 describes that current wireless communication devices do not provide seamless integration of telephony functions and web-access capabilities. This passage does not offer any solutions, or discuss any interface that would remedy the situation.

Column 4 lines 10-46 describes a user interface for a wireless communication

device that is implemented in a markup language. Telephony functions are selected using user interface pages written in a markup language. These interface pages are stored in the local memory of the communication device, and are fetched by a browser. The browser can also modelessly fetch markup language pages from the World Wide Web. This passage does not provide any description whatsoever that may be regarded as related to the specific Claim limitations described above, including responding to any type of selection of a data object by generating a display of the data object contents, or providing a display of selectable methods executable on the data object.

Column 9 line 38 through column 10 line 44 primarily describes a browser that provides the user interface of the wireless communication device. This interface is defined by files that may be retrieved from the World Wide Web, and which are written in a markup language. The screens of the interface each have four basic areas, including a content area that may display the text of a message, or a phone book entry, for example. (Column 10 lines 28-30). A selection icon may be used to indicate an item that has focus, such as a current input field. Content displayed on a screen may be obtained from the World Wide Web. (Column 10 lines 41-44.) This passage does not in any way teach the specific limitations of Claim 1 including generating a display allowing for selection of a data object, generating a subsequent display of the contents of a selected object, then providing a display of selectable methods executable on the object.

Finally, column 11 lines 50-52 describes the function of the protocol handlers 112 within the system. In particular, "[a] protocol handler 112 may return the results of that command, causing a different screen to display, or may return no results." This passage appears to be explaining that when a protocol handler is passed a command, the protocol handler will either return some type of results, or may cause a screen to be displayed. This does not in any way appear to teach or suggest the particular claim limitations appearing in lines 7-12 of Applicants' Claim 1.

To summarize, neither the cited passages, nor anything else in De Boor, appears to teach or suggest Applicants' method of responding to selection of a first

of the data objects by providing a display of at least a portion of the contents of the first data object along with a display of a plurality of selectable methods executable on the data object. For this additional reason, Claim 1 is allowable over this rejection, which should be withdrawn. If the Examiner maintains this rejection, Applicants' Representative respectfully requests more clarification as to the significance of the cited passages in De Boor as they relate to the above-discussed limitations of Claim 1.

C.) Claim 1 further includes responding to selection of one of the methods by executing that method upon the first data object and displaying the result of the execution on the special device.

The Examiner cites column 11 line 58 through column 12 line 40 and the Abstract for teaching these limitations. Column 11 line 58 through column 12 line 40 describe the various types of protocol handlers 112. For example, Config protocol handler 112b sets the configuration settings, extra protocol handler 112c provides access to arguments, file protocol handler 112d provides access to local content in ROM, and so on. It does not appear from this discussion that any of the protocol handlers respond to selection of a method by executing the method upon a first data object and displaying the result of the execution. For this additional reason, Claim 1 is allowable over this rejection, which should be withdrawn.

Similarly the De Boor Abstract provides a general discussion of a wireless communication device with a markup language based MMI that enables direct access to the World Wide Web. It does not teach or suggest the specific limitations or process described in Applicants' Claim 1. If the Examiner maintains this rejection, Applicants' Representative respectfully requests more clarification as to the significance of the cited De Boor passages as they relate to the above-discussed limitation of Claim 1.

For all of the foregoing reasons, De Boor does not appear to teach or suggest Applicants' invention of Claim 1, and this rejection should be withdrawn.

The Examiner next states that although De Boor does not explicitly teach a user selectable data object, Walters teaches this aspect of the invention. As discussed previously, Applicants' Representative agrees that De Boor does not appear to teach or suggest a user selectable data object, or any other limitation of Claim 1. In regards to any teaching of Walters, such teaching is irrelevant, since the first filing date of Walters post-dates the filing date of the current application. Therefore, Walters is not a proper prior art reference under 35 USC §103(a). For this additional reason, this rejection is improper. Claim 1 is allowable over this rejection, which should be withdrawn.

5. Claims 3-12 depend from Claim 1, and are allowable over this rejection for all of the reasons discussed above in reference to Claim 1. Further in regards to these Claims, the Examiner cites Walters as teaching the additional limitations included in these Claims. As previously discussed, Walters is not a proper prior art reference, and this rejection is therefore improper, and should be withdrawn. Claims 3 -12 include additional aspects not taught or suggested by De Boor, and for this additional reason, are allowable over the current rejection.

6. Claim 25 is rejected for the same reasons discussed above in reference to Claim 1. For at least the reasons discussed above in reference to Claim 1, Claim 25 is allowable over this rejection, which is improper, and should be withdrawn.

7. Claim 2 is rejected under 35 USC 103(a) as being unpatentable over De Boor in view of Walters and U.S. Patent No. 6,356, 905 to Gershman et al. ("Gershman"). This rejection is respectfully traversed.

Claim 2 depends from Claim 1, and is allowable over this rejection for all of the reasons discussed above in regards to Claim 1. Gershman does not appear to add anything to De Boor or Walters that teaches or suggests the aspects of Claim 1. Therefore, Claim 2 is allowable as presently presented, and this rejection should be

withdrawn.

8. The prior art made of record but not relied upon has been reviewed and is considered to be of general interest only.

9. Applicants' Representative acknowledges that this action is made FINAL. As discussed above, the amendment filed on November 6, 2003 corrected a formality issue based on a telephone interview conducted on November 4, 2003. That minor amendment did not necessitate a new search, and it is therefore respectfully submitted that the issuance of the FINAL rejection is improper. It is requested that the finality of this rejection be withdrawn.

Conclusion

Claims 1-12 and 25 remain pending in the subject Application, and Claims 13-24 and 26-28 have been withdrawn from consideration at this time. Claims 1-12 and 25 remain as previously presented. In view of the arguments set forth above, it is respectfully submitted that the Claims are in condition for allowance, and an Early Notice of Allowance is respectfully requested. If the Examiner has questions or concerns about this correspondence, a call to the undersigned is encouraged and welcomed.

Respectfully submitted,

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